

## **MINUTES**

**BOARD OF CORRECTIONS MEETING  
THURSDAY, MAY 17, 2001  
SAN DIEGO COUNTY SHERIFF'S DEPARTMENT  
MARINA VILLAGE CONFERENCE CENTER  
1936 QUIVIRA ROAD  
SAN DIEGO, CA 92109**

---

Prior to the meeting, Executive Director Thom McConnell briefly explained the Governor's Crime Victim Services Awards. As part of his continuing commitment to crime victims in California, Governor Gray Davis established the Governor's Crime Victim Services Awards to recognize individuals, groups, and programs that have advanced crime victims' rights and services in California and nationally. The task of assisting the Governor with selection of the recipients was given to the Victims Consortium, which established five categories of recognition:

- Outstanding Leadership in Advancing Victims' Rights
- Outstanding Contribution to State/Local Correctional Agencies
- Prominent Changes to Policy and/or Procedures Related to Victim Services
- Exceptional Contributions in the Area of Assessment and/or Collection of Restitution
- Outstanding Service to Crime Victims

More than 60 nominations were received by the Consortium, and 16 were recommended to be recognized throughout the state. Mr. McConnell was pleased to announce today's presentation of two awards in the category of Outstanding Service to Crime Victims. The individuals and organizations being recognized have gone beyond the normal call of duty to ensure that victim services are positively impacted.

The first recipient was the Trauma Intervention Program, represented by Cynthia Lyon, Executive Director. The program was nominated by Michael S. Poehlman, Chief of the Oceanside Police Department, represented here by Captain Mike Brooks. As Captain Brooks and Ms. Lyon came forward, Mr. McConnell described the program:

The Trauma Intervention Program (TIP) was founded in 1985 to train lay volunteers to render "emotional first aid" to victims of criminal, natural, and accidental trauma at the summons of law enforcement, fire service, EMS, and hospital emergency department personnel. This service is provided 24 hours a day, 360 days a year, with a response time of about 20 minutes to the scene where assistance is needed. TIP has worked diligently for 15 years in providing services to San Diego County and the area of origin, which is Oceanside. TIP's founder, Wayne Fortin, has remained active in helping other communities replicate the program with six regional chapters serving 39 California cities and 45 law enforcement agencies. TIP is active in several other states as well. Each volunteer devotes a minimum of 600 hours as a valuable agent to the public safety professionals who request their services. In so doing, TIP has expanded the unique plight of crime victims to the working consciousness of service providers outside of law enforcement, which, in turn, increases the likelihood of getting competent, supportive help to future victims.

Chairman Robert Presley presented the award and plaque to Ms. Lyon. Ms. Lyon, on behalf of the program's volunteers, said she was very grateful to accept the award. As volunteers, the one thing that means the most is receiving recognition; and the award was special and will be shared with all the volunteers. She noted that Mr. Fortin, the founder, was unable to be present as he was in Atlanta, Georgia, opening a new program at this moment. She again thanked the Board for the recognition.

The second recipient was the San Diego County Stalking Strike Force, represented by Chairperson Kerry Wells, and nominated by the Honorable Howard Wayne, California State Assembly, 78<sup>th</sup> District, who was unable to be present. Mr. McConnell invited Ms. Wells to come forward as he described the program:

The San Diego County Stalking Strike Force was the first task force in the nation to specifically target the dangerous and insidious crime of stalking. It was established in 1994 as a response to a need to increase the effectiveness of handling stalking cases in order to better protect victims and provide direct victim services. In an effort to establish a comprehensive scheme with an emphasis on victim protection and services, the task force employs a unique multidisciplinary approach to handling stalking cases that targets several areas including victim safety, training and education of law enforcement officers, legislation, victim services, and more aggressive prosecution. The members of the San Diego County Stalking Strike Force are dedicated professionals who volunteer their time and expertise to address this serious problem. These professionals come from all segments of the involved community who bring their skills and knowledge together to better protect stalking victims.

Chairman Presley presented the award and plaque to Ms. Wells, who said the award was beautiful and she thanked the Board. She appreciated the acknowledgement of their hard work and asked the members of the Strike Force to stand and be recognized as well. Ms. Wells said the Strike Force was most definitely a collaborative team effort and the work could not be done without the efforts of each member. She expressed her appreciation for their work as well.

Mr. McConnell thanked the recipients and their staff for coming.

---

Chairman Presley called the meeting to order at 9:40 a.m. and thanked San Diego County for hosting the Board. He invited the Chairman of the County Board of Supervisors, Bill Horn, to address the Board. Mr. Horn welcomed everyone to San Diego County and, on behalf of the Board of Supervisors and the citizens of the county, he thanked the Board for their new facility and for the various grants awarded to the county.

Chairman Presley next invited Jim Marmack, representing Sheriff Bill Kolender, to address the Board. Mr. Marmack, on behalf of Sheriff Kolender and the 4,000 men and women who work for the department, welcomed the Board to the county. He especially acknowledged the staff members of the Board, and said they do a great job for those in local corrections and have done so for years. Unique among state agencies that say they will help the counties, Mr. Marmack said the Board's staff really does help, and he truly appreciated the work they do.

Chairman Presley asked San Diego Chief Probation Officer Alan Crogan to address the Board. Mr. Crogan said it was a pleasure to co-host the Board's meeting. He commented it was always impressive to look over the substantial agenda and the challenges that are before the Board of Corrections. Referring to his own five-year membership during the 1980s, he said he could still see the dynamics and the importance of the Board's role in ensuring that quality corrections is implemented throughout the state. He particularly noted the Board's review of training, review of Titles 15 and 24, and the thorough evaluation and analysis of those counties that qualify for special programs and funding. He was honored to have the Board in San Diego and he looked forward to the continuous support of corrections in the state of California.

Chairman Presley invited newly appointed Board Member Donald R. Sheetz, to step forward to receive the oath of office. Mr. Sheetz fills the position vacated recently by Dr. Susan Saxe-Clifford, whose term expired. At the same time, Chairman Presley invited a new member of the Youthful Offender Parole Board, Wyatt Hart, to receive the oath. After the oath, Chairman Presley congratulated the new Board members.

Chairman Presley announced that Board Member Tom Soto had written that he was unable to attend this meeting due to unavoidable business conflicts and asked if there were a motion to excuse the absence.

A motion to excuse Mr. Soto was made by Mr. Harper and seconded by Mr. Blanas.  
The motion carried.

Also absent was Board Member Steve Cambra, Jr., whose presence was required in Sacramento.

Mr. McConnell announced adjustments to the Agenda due to the strong interest by various individuals to present testimony on Item D, the Federal and State Construction Grant Program. In order to accommodate the available timeframe, several items were either moved up on today's Agenda or moved to the Agenda for the July 19, 2001, meeting in order to allow for full discussion on these critical items.

#### **APPROVAL OF THE MINUTES OF THE MARCH 15, 2001, BOARD OF CORRECTIONS MEETING (AGENDA ITEM A)**

---

Chairman Presley called for a motion on the minutes of the March 15, 2001, meeting.

A motion to adopt the minutes of the March 15, 2001, Board of Corrections meeting  
was made by Mr. Blanas and seconded by Dr. Silbert. The motion carried.

#### **JUVENILE CRIME ENFORCEMENT AND ACCOUNTABILITY CHALLENGE GRANTS – PRESENTATION BY SAN DIEGO COUNTY (AGENDA ITEM B)**

---

Field Representative Fred Morawcznski commented that the issue of dealing with young women and crime is an emerging one, both in California and throughout the country. Three years ago, San Diego County recognized the problem and, in developing their comprehensive plan for Challenge Grant II, proposed a program called Working to Insure and Nurture Girls' Success (WINGS). The county currently operates what has become a model program for young women and the special problems associated with their rehabilitation. He was pleased to introduce Connie Kent, program manager for WINGS, to describe the program.

Ms. Kent said it was a pleasure to be at the meeting and a challenge to condense the many aspects of the program into the few minutes allocated. She said WINGS is a three-year Challenge Grant project in San Diego County to implement gender-responsive services to juvenile female offenders. Operational in 1999, it came about as a result of the county's Local Action Plan, which identified programming for girls as a critical gap in the community. San Diego's Comprehensive Strategy Team was composed of a diverse source of stakeholders, from education, research, law enforcement, and key leaders from community-based agencies throughout the region. It provided a broad band of recommendations toward strengthening families and core social institutions with a real emphasis on prevention and efficient community intervention. The WINGS three-year allocation was generous, with \$6.2 million in funding, 85% of which would go to direct service provision. The grant has since been augmented by fourth-year funding.

The target population is geared toward first- or second-time adjudicated female offenders or toward females entering the system at a lower level of process, such as informal supervision or counseling. She thinks of it as a pyramid, with only 20% of the girls adjudicated as wards, 30% in informal probation ranks, and a full 50% making up the base of voluntary or counsel and close cases. This speaks to the need for prevention in the community and also provides families a chance to nip in the bud the escalation of difficulties for these young girls.

This particular group of female offenders was selected because San Diego was part of a nationwide wave of arrests of female juveniles. County arrests of girls in one ten-year period alone (1987-97) increased 31%, or twice the rate of increase for boys during the same timeframe. Even more alarming, among that population increase was a 206% increase in girls engaged in violent offenses. Not only are the numbers alarming, but also the quick escalation into more violent crimes. Complementing this information is the fact that the girls coming into the system present with a complex array of issues. They have a higher level of medical and psychological needs, educational issues, addiction, and also the issues of teen pregnancy and single parenthood. WINGS was designed to meet those needs in a holistic fashion.

Ms. Kent again mentioned that, within the target population, there is a pattern of offenses quickly escalating. She saw this first-hand in 1992 as a probation officer in the placement unit when she was assigned cases that had already escalated to the point where the girls had to be removed from the family, which is never a good thing. The community offered only very limited resources or specific programs to meet the needs of the girls.

WINGS works like an apple with two halves. The first half is family-based services, which consists of in-home services delivered by a social worker who goes to the family and deals in a comprehensive, wrap-around manner with all the family's various needs and wants. The second half is unique and is a fully comprehensive array of gender-responsive services geared to meet the needs of the young women. The services consist of four main components: 1) family counseling, with heavy emphasis on parental mediation and mother-daughter mediation, anger management, drug and substance abuse education, assessment, and treatment; 2) girls-only groups, which allow a safe, quiet place for girls to come together and share issues and problems; 3) healthy girls instruction, addressing depression, eating disorders, anxiety, family planning issues; and 4) heavy duty academic enhancement with a close watch on attendance, grades, working with school counselors, and encouraging them to stay in school. Services are delivered by a multidisciplinary team from clinical specialists to teen peer advocates – all geared to meet the specific developmental needs and learning styles of girls.

The family-based plan of services is most effective in reducing drug use, teen pregnancy, and school failures, and therefore relates exactly to the goals of the program. There have, of course, been challenges in the program that are inter-related. One of the biggest issues is staff retention and development. San Diego has a low unemployment rate, and these jobs are entry-level with fierce competition. The work is challenging and carries the additional responsibility of research and data provisions and excellent record keeping duties that can sometimes seem like a burden. Another area of difficulty is the broad creation of program activities, with many areas not yet clearly developed. The third area of difficulty is arranging and aligning the spending and match issues. As a start-up program, it has been difficult to gauge the population exactly, which obviously affects the spending and program development.

WINGS is an evaluation program using a true experimental design with random assignment to treatment and comparison groups facilitated through SANDAG. The first randomization was for 250 girls on each side of the equation. A second sample begun in January 2001 will place 200 later-entry girls to provide a comparison of girls who began the program early versus those who began later to see what differences are present. SANDAG will compare school attendance, school performance, substance abuse, compliance with probation conditions, and other delinquent behaviors. A pre- and post-comparison will be made, including gender-specific assessments of risk and resiliency. SANDAG will survey participants, their parents, and program staff. A typical girl could complete the program within about nine months, providing a long time to use the interventions and to take the samples.

### Project Highlights

Ms. Kent said the biggest benefit so far has been establishment of a true multidisciplinary team that is dealing with the issues. The team meets to review protocol, process issues, program development, and to just work out the kinks. It includes four main service providers, eight subcontractors, SANDAG, corrections, and probation all at the same table in a very successful endeavor. The program also has developed its own data collection system after adoption of an existing program. Since March the program has initiated its own WINGS probation unit with officers that have only girls' cases and are

very knowledgeable in gender-responsive service provision. Finally, Ms. Kent provided the Board members with a 30-minute video of the program.

Mr. Harper asked how long was the drug treatment portion. Ms. Kent said that, within the four regions, drug and alcohol specialists run all-girl groups with the most basic level of drug education, after which the girls are assessed for their needs. Approximately 13% of incoming cases involve drug-related offenses; however, the actual number with ongoing substance abuse is much higher. After basic education in the WINGS program, the girls are referred to higher levels of care as needed. The program also uses a gender-responsive curriculum developed by Stephanie Covington, a local expert in gender issues and drug and alcohol problems.

Dr. Silbert asked whether the research to date has shown a positive impact. Ms. Kent said SANDAG has not officially submitted feedback, but those involved with the program have noted promising changes. The girls themselves and their parents also believe results to be positive.

Chairman Presley thanked Ms. Kent for her presentation and wished her luck with the program.

## **FEDERAL AND STATE CONSTRUCTION GRANTS – CONSENT/INFORMATION ITEMS (AGENDA ITEM C)**

---

Deputy Director Toni Hafey advised the Board of ministerial staff decisions on state and/or federally funded construction grants and listed minor timeline changes, scope changes, or grant award modifications approved by staff. The requests consisted of changes for four counties (three juvenile county projects and one adult county project). Three were timeline changes on construction start and end dates due to such factors as meeting federal environmental requirements, as well as weather delays and those attributed to value engineering. One was for a project scope change to eliminate a component of a project due to an additional study that was completed on the project and deemed not necessary. There were no questions from Board members.

## **MENTALLY ILL OFFENDER CRIME REDUCTION GRANT – EXECUTIVE STEERING COMMITTEE RECOMMENDATIONS ON GRANT AWARDS (AGENDA ITEM F)**

---

Before Deputy Director Bill Crout presented this item, he introduced the Board's Research Director, Dr. John Kohls, to provide a brief review of the Board-approved, standardized criteria development rating and evaluation process for all of the competitive grant programs.

Dr. Kohls said that one of the Board's responsibilities is to award funds to counties for projects in areas such as juvenile crime reduction, jail and juvenile facility construction, and mentally ill offender crime reduction. He presented the system by which the grant proposals are evaluated to ensure the awards are based on the worthiness of the proposals and the excellence of the proposed projects. The ultimate objective of the evaluation system is the selection of proposals that completely satisfy the criteria

established by the Legislature, the Executive Steering Committee (ESC), and the Board of Corrections.

Developing a process for determining which jurisdictions will receive crucial funds for important programs is an awesome responsibility. Jurisdictions competing for grant funds not only have critical needs, they also invest considerable effort and resources in planning for and constructing their proposals. It is essential that the competition for the grant funds be conducted on an even playing field according to clear, standardized, and fair rules. It is mandatory that individuals having responsibility for determining who the grantees will be make informed assessments based on relevant criteria within a highly structured process.

Ranking proposals on their merit requires measurement. The measurement must be relevant and valid and must measure what is intended to be measured. It must be consistent, everyone must be treated exactly the same, and it must be fair. To produce reliable, valid, and fair measurement, the Board has an evaluation system that includes five components:

1. Knowledgeable evaluators in the form of an ESC.
2. 24-step evaluation system.
3. Rating factors that are well defined.
4. Standardized process for obtaining the ratings.
5. Structured decision-making process.

### ***Knowledgeable evaluators***

The representatives of the ESC, which must include at least one member of the Board of Corrections, are:

- from local agencies and stakeholders,
- experienced in the field of corrections,
- able to identify with the challenges that the grantees will face during the grant period,
- experts in areas related to the grant goals,
- representative of diverse viewpoints, and
- dedicated to the time-consuming process.

Dr. Kohls noted that those who have been involved in this process are given three or four boxes full of proposals that take quite some time to review thoroughly.

### ***24-step evaluation system***

This system has four phases: A) development of the Request for Proposals (RFP), which are the rules everyone must abide by when submitting proposals; B) county presentations of proposals to the ESC; C) deliberation by the ESC; and D) presentation of funding recommendations to the Board.

The development of the RFP is a multistep process in which the Board analyzes the funding legislation and establishes the ESC. The proposal requirements and evaluation process is developed specifically to address the issues of the particular grant, and the formal proposal rating process is determined. The RFP itself is a difficult document to write because it sets forth the rules that everyone must play by when submitting proposals. The Board approves the criteria, evaluation process, and content of the RFP,



which is then disseminated to the field. Staff are available for technical assistance to those who want to bid for the grants. Staff also hold bidders' conferences statewide to invite comments on the RFP and answer questions.

When the counties present their proposals, they are submitted to the Board in writing by a particular due date. Board staff review all proposals for technical compliance, as there might be a relatively minor area in which a proposal is out of compliance and can be corrected in advance to avoid being disqualified. Technical compliance comments by Board staff are forwarded to the county for their response and correction as necessary. The ESC is assembled and each member independently makes a preliminary reading of the proposals and conducts an initial rating on the rating factors. Counties choosing to bid for the grant appear with oral presentations before the ESC.

After each county makes its presentation, each ESC member makes another independent rating evaluation. Those ratings are entered independently into two computers by two data-entry personnel, and the two sets of ratings are compared with one another and with the rating forms to ensure accuracy. The ratings, showing both agreements and disagreements among the raters, are presented to ESC members for examination and discussion of areas where they may have had different perceptions. Pursuant to these discussions, adjustments are made as necessary to the ratings; however, members are under no obligation to change. Total scores and rankings are then computed and provided to the ESC for final review and discussion. Evaluation results are provided to the counties for review, both their own results and a comparison of their results with those of other counties that scored high in the evaluation process. The ESC's final funding proposal rankings are computed as the basis for the recommendations that are presented before the Board. Results are documented to allow staff to track exactly what was done, how it was done, and what the results were.

### ***Rating factors that are well defined***

The ESC determines the number of rating factors, usually 8 to 10; the definition of each rating factor, which is what the measurement is based upon; and the criteria for achieving high, medium, and low ratings. The ESC then decides the range of points allocated to each rating factor, or the weight that is given to each rating factor. Dr. Kohls displayed and described a sample rating sheet.

### ***Standardized process for obtaining the ratings***

Using the defined rating factors, there is a first, independent rating at the initial reading; a second independent rating after the oral presentations; a third rating after discussion about disagreements; and then potentially a fourth rating after presentation of the rankings. Dr. Kohls displayed and explained the data entry screen used in the process. When the rating information is fed back to the raters, it is done dimension by dimension; for example, the rating factor of "history of past work" was valued at 16 points. The raters were provided with every rater's score of every proposal, the difference between the high and the low proposal, and a determination of any disagreement among raters. These are discussed and adjusted to the extent the ESC determines necessary for standardization.

### ***Structured decision-making process***

Final rankings are based solely on total scores—the sums of the average factor ratings across all the



ESC member raters. The final rankings that are the basis for the funding recommendations cannot be changed unless the ESC members decide to go back and review individual factor ratings. The process is complete when the members indicate that they have made their final factor ratings.

In summary, Dr. Kohls said this grant evaluation system has now been used seven times. He believed it has stood the test of time, and he invited questions from the Board. There were no questions. Chairman Presley said it was a good process and well worked out.

\*\*\*\*\*

Mr. Crout presented the ESC's final recommendations for the FY 2002-01 Mentally Ill Offender Crime Reduction Demonstration Grant proposals. In September 1998, SB 1485 established the Mentally Ill Offender Crime Reduction Grant (MIOCRG) Program. At that time, \$27 million was allocated to fund planning and demonstration grants, with \$2 million for planning grants and \$25 million for demonstration grants. After going through the process just described by Dr. Kohls, the Board awarded seven demonstration grant projects in May 1999. In June 1999, Governor Davis, as part of the FY 1999-00 budget, approved an additional \$27 million to expand the MIOCRG Program, thus adding eight additional demonstration grant projects. The legislation specified use of the existing list, which was developed for the first process to award the remaining grants.

In the 2000-01 State Budget, \$50 million was allocated by Governor Davis to provide the opportunity for additional counties to participate in the MIOCRG Program. Of this amount, \$2 million was for developing, expanding, and/or revising Local Plans and approximately \$47.5 million was to fund competitive demonstration projects. At the July 20, 2000, Board of Corrections meeting, the Board appointed Member Taylor Moorehead as chair and Member Lou Blanas as co-chair of the ESC for the FY 2000-01 MIOCRG funding.

On August 30-31, 2000, the ESC met to receive public comments regarding the MIOCRG Program and to establish a framework for developing the demonstration grant RFP. Based upon a thorough review of all pertinent issues presented by work groups, as well as public comments and Board staff recommendations, the ESC developed the RFP and project timelines, which were adopted by the Board at their September meeting.

On March 1, 2001, the Board received Local Plans and 23 demonstration grant RFPs representing the efforts of 22 counties. Funding requests totaled in excess of \$75.4 million, nearly \$28 million over the \$47.5 million allotted. Mr. Crout reported that all of the proposals were meritorious.

From March 7 to April 18, 2001, the ESC reviewed proposals and made preliminary ratings based upon Board-approved criteria. From April 18-19, 2001, the ESC convened to hear presentations from competing counties and to finalize their ratings for the proposed demonstration projects. Mr. Crout provided the Board members with the final recommendations of the ESC, as follows:

RANK	COUNTY	RECOMMENDED AMOUNT
------	--------	-----------------------

1	Ventura	\$2,460,546
2	Yolo	\$2,704,541
3	San Joaquin	\$4,175,327
4	Marin	\$4,244,626
5	Monterey	\$2,607,022
6	San Francisco	\$3,488,400
7	Butte	\$2,877,498
8	Tuolumne	\$833,209
9	Mendocino	\$1,987,526
10	Alameda	\$5,000,000
11	Los Angeles	\$5,000,000
12	San Bernardino	\$4,408,318
13	Solano	\$4,978,822
14	Kern 1	\$1,961,796
15	Santa Clara	\$4,983,638
16	San Mateo	\$4,690,307
17	Shasta	\$2,808,195
18	Kern 2	\$1,497,324
19	Fresno	\$5,000,000
20	Madera	\$2,360,000
21	Tulare	\$3,505,645
22	San Luis Obispo	\$1,582,194
23	Merced	\$1,700,000
24	Riverside	\$0

Mr. Crout noted two issues of discussion regarding the recommendations. First, Alameda County had submitted a proposal for \$5.5 million, which exceeded the BOC-approved cap of \$5 million on all proposals absent compelling information provided by a county that would justify exceeding the cap. The ESC had considered Alameda County's justification and found that it did not meet the criteria to exceed the cap. The ESC recommended limiting funding to Alameda to \$5 million. Second, Mr. Crout provided the Board with two letters: one from Assemblyperson Helen M. Thomson discussing the process with respect to Yolo County and one from James T. Beall, Supervisor from Santa Clara County, also expressing concern about the process. Mr. Crout introduced Tim Ryan, Chief of Correction for Santa Clara County's Department of Correction, who wished to address the Board as well. The Board accepted both letters and Mr. Ryan's comments as submitted.

Mr. Ryan acknowledged the tough job the Board had in light of the many needs of the counties. He said Santa Clara County has twice found itself on the cusp of the process and was looking for help for the 20% of the county's population with mental health needs. He recognized the difficulty of trying to fairly distribute funds, but realized that Dr. Kohls' involvement in the development of the 24-step process meant that it was a good process. Nevertheless, some counties receive funds and others do not. Mr. Ryan posed two requests to the Board relative to mentally ill offender needs. First, he said counties need more resources – in fact, a great deal more resources throughout the entire state to meet these needs. It is difficult for any county to deal with those in the environment who present challenges and to accomplish the task of making a difference in the lives of the mentally ill. He urged the Board to seek more resources from the Legislature. Second, he asked that Santa Clara County be considered

first in line for any reverted funds that may become available, and said that the county would be accountable. One of the most critical tenets of the MIOCRG Program is that those who do receive resources are supposed to prepare a pathway for other counties to show how they, too, can be successful. He was hopeful that, as the Board and its staff review the results of the resources already distributed, they take a critical look at those results. It was important that grant recipients be held accountable in order to help other counties later if other resources are not available.

Mr. Crout took a moment to recognize Sheriff Keith Royal of Nevada County and Chief Probation Officer Mel Losoya from Yolo County, who were in the audience and were part of the ESC. They played a crucial role in the recommendations before the Board.

Mr. Crout summarized staff's recommendations as follows:

1. Approve the ESC funding recommendations and authorize awards of \$46,727,631 to the counties listed above.
2. Authorize staff to negotiate with Alameda County regarding a reduction in the scope of their project commensurate with reduced funding.
3. Authorize staff to distribute the unallocated funds in accordance with the ESC's prioritized list and to negotiate a reduced scope of project with the next county on the list, in rank order, until a county accepts the amount of available funds to implement their proposed project.

Chairman Presley asked that the Board members consider the three recommendations together and invited Mr. Moorehead, as ESC chair, to make a motion.

A motion to adopt staff's three recommendations was made by Mr. Moorehead and seconded by Mr. Blanas.

Dr. Silbert said she would like her vote to reflect support of Mr. Ryan's recommendations. She realized that it is a bad economic time for the Legislature and the state, but the fact that mental health issues have been placed with the corrections system is an outrage. She asked if the motion could include a fourth recommendation that the Board make a statement to the Legislature that more money is urgently needed in this area.

The motion on the floor was modified by Mr. Moorehead to include Dr. Silbert's recommendation. The motion carried.

## **WAIVER TO FILING DATE, TITLE 15, SECTION 296: LATE SUBMISSION OF STANDARDS AND TRAINING FOR CORRECTIONS (STC) ANNUAL TRAINING PLAN FOR FY 2001-02 (AGENDA ITEM I)**

---

Deputy Director Jim Sida reported that the Standards and Training for Corrections (STC) Program has 173 participating agencies. As a matter of law, each agency must submit to the Board an Annual

Training Plan (ATP) application by April 15 of each year. The ATP serves as an agreement between the Board and the counties to fund their training programs.

Should a county not submit its ATP in a timely manner, they may request a waiver to the statutory date under Title 15, Division 1, Chapter 1, Subchapter 1, Section 104 of the Regulations. The Board may grant a waiver so long as the local department provides a written statement of good and sufficient reason. The El Dorado County Sheriff's Department (which has participated in the STC Program since FY 1986-87) failed to meet the April 15 deadline due to an administrative oversight. During the week of April 16, the department indicated they did intend to request participation for the coming fiscal year and subsequently submitted a letter to the Board asking for a waiver. A copy of the letter was provided to Board members.

Mr. Sida recommended the Board approve the request of the El Dorado County Sheriff's Department for a waiver to Section 296 (Date of Submission of Application) in order for the Board's STC staff to accept the department's ATP application to participate in the STC Program.

A motion to approve staff's recommendation was made by Dr. Silbert and seconded by Mr. Harper. The motion carried.

#### **FEDERAL AND STATE CONSTRUCTION GRANTS PROGRAM, FY 2000-01 – EXECUTIVE STEERING COMMITTEE'S RECOMMENDATIONS (AGENDA ITEM D)**

Deputy Director Toni Hafey stated that in July 2000, the Board directed an Executive Steering Committee (ESC), chaired by Board Member Curtis Hill and co-chaired by Board Member Zev Yaroslavsky, to provide recommendations for the Board's consideration of more than \$131.7 million in federal and state grant funds for construction of local juvenile detention facilities. Ms. Hafey provided the Board with a list of the ESC membership, which included Steve Bautista, Chief Probation Officer of Contra Costa County, who was present at the meeting. She also provided the ESC's funding recommendations on 11 projects in 10 counties. If the ESC's recommendations are adopted, six new facilities consisting of 1,070 beds will be constructed statewide and 530 beds will be added to existing or planned facilities for a total of 1,600 new beds; 725 beds will be eliminated during construction (primarily due to replacing 40- to 60-year-old dilapidated facilities) for a net gain of 875 beds statewide.

The Board received \$219.6 million in meritorious grant requests from 25 counties (for 31 proposed projects) versus \$131.7 million available (\$73,875,000 in state funds and \$57,891,485 in federal funds). As such, nearly \$88 million was oversubscribed and grants could not be provided for all meritorious projects.

Ms. Hafey also provided the Board with a copy of the Board-approved Request for Proposals (RFP) package, including rating criteria used to formulate the recommendations. The package was sent to all counties in draft format for review and feedback, beginning July 25, 2000, and culminating in an oral

feedback session in Sacramento on August 24, 2000. More than 50 persons attended the session, 15 counties provided testimony, and four written comments were received. Revisions were included in the RFP and rating factors were modified regarding the use of alternatives to confinement, as well as clarifications on the cost-per-bed cap and additional points for regional facilities. The RFP was redistributed to the field and further comment elicited prior to the September 21, 2000, Board meeting when action was taken on the RFP.

In addition, Ms. Hafey provided the Board with letters requesting time on this meeting's agenda and letters of protest concerning the ESC's recommendations, along with responding letters from Executive Director Thom McConnell setting forth the ground rules for public testimony. The primary focus was on Alameda County's juvenile hall expansion project (J2), with opposition from the Youth Empowerment Center, the Ella Baker Center for Human Rights, Bay Area Police Watch, and others.

Also included was a letter from Chief Probation Officer John Rhoads of Santa Cruz County expressing concern that the ESC's recommendations did not include renovation (except for bed replacement) or deferred maintenance on existing facilities without increasing capacity. He called for greater use of detention alternatives.

Finally, Ms. Hafey provided a list of construction grants allocated to rural, suburban, and urban counties since 1997.

The aforementioned items were mailed to Board members prior to the meeting. At the meeting, Ms. Hafey also distributed to members the following:

- Letter dated May 15, 2001, letter from Alameda County Administrator informing the Board of the county's intent to accept funds for projects J1 and J2.
- Support letters from Alameda County Chief Probation Officer Sylvia Johnson and her Executive Management Team.
- Support letter dated May 10, 2001, from the Alameda County Chiefs of Police and Sheriffs' Associations.
- Support letter dated May 9, 2001, from the Alameda Juvenile Justice and Delinquency Prevention Chair and Commissioners.
- Letters of opposition to Alameda County's J2 expansion project from the Youth Law Center.
- Numerous emails from groups such as the Liberty Hill Foundation, Youth Force Coalition, Jewish Youth for Community Action, and Homies Organizing the Mission to Empower Youth Program.
- Letter dated May 10, 2001, from the Archdiocese of Los Angeles urging reconsideration of the replacement as well as the expansion included in the ESC's recommendations for the Los Padrinos Juvenile Hall in Los Angeles County.

A chronology of the Board's action and that of the ESC was also given to Board members. Ms. Hafey invited questions from the Board prior to commencing public testimony from representatives of the groups present.

Dr. Silbert asked whether Chief Probation Officer Rhoads from Santa Cruz County was present. Ms. Hafey replied that he was unable to be present to testify. For the record, Dr. Silbert commended Santa Cruz County, which, although not recommended for these grant funds, has done an extraordinary job with their Challenge Grant funding by providing alternatives to youths. She noted the county is a model site for the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative, and deserves commendation. Ms. Hafey agreed.

Given the large number of individuals present at the meeting and wishing to address the Board, Chairman Presley asked that the speakers keep their comments orderly and brief and not belabor the central point.

*Prior to entering the meeting, persons wishing to speak were asked to complete cards identifying themselves and the organization they represented. They were directed to address the Board at the podium when called by Chairman Presley. The following individuals asked to speak:*

<u><b>SPEAKERS NAME</b></u>	<u><b>REPRESENTING</b></u>
<i>Rachel Jackson</i>	<i>Books Not Bars Campaign</i>
<i>Omana Imani</i>	<i>Youth Force Coalition and Underground Railroad</i>
<i>Mercedes Gibson</i>	<i>Young Women United for Oakland</i>
<i>Juan Carlos Gil</i>	<i>Youth Force Coalition</i>
<i>Fela Thomas</i>	<i>Youth Force Coalition</i>
<i>Perla Nolasco</i>	<i>Young Women United for Oakland</i>
<i>Becca Mayberg</i>	<i>Let's Get Free</i>
<i>Lillian Amoechi</i>	<i>Visitacion Valley Changemakers "Schools Not Jails"</i>
<i>Steve Lee</i>	<i>Asian Pacific Islander Youth Promoting Advocacy and Leadership</i>
<i>Julie Browne</i>	<i>Books Not Bars Campaign</i>
<i>Khadine Bennett</i>	<i>Wild for Human Rights</i>
<i>Adam Gold</i>	<i>Youth Empowerment Center</i>
<i>Van Jones</i>	<i>Ella Baker Center/Books Not Bars Campaign</i>
<i>Nohelia Ramos</i>	<i>Environmental Health Coalition Youth Force</i>
<i>Enrique DeLaCruz</i>	<i>Y.O.C./M.E.Ch.A.</i>
<i>Scott Haggerty</i>	<i>President, Alameda County Board of Supervisors</i>
<i>Sylvia J. Johnson</i>	<i>Alameda County Chief Probation Officer</i>
<i>Javier Stauring</i>	<i>Dept. of Detention Ministry, Archdiocese of Los Angeles</i>
<i>Lester Garcia</i>	<i>Youth Organizing Communities, Los Angeles</i>
<i>Kevin Carruth</i>	<i>Santa Clara County General Services</i>
<i>Tommy Ramirez</i>	<i>Youth Organizing Communities, San Diego, EAOP, BLCI</i>
<i>Francisco Trujillo</i>	<i>The Criminal Justice Consortium</i>
<i>Miriam Grant</i>	<i>Jewish Youth for Community Action</i>
<i>Verne Speirs</i>	<i>Sacramento County Chief Probation Officer</i>

*(NOTE: Remarks may have been editorially condensed, and statements made by earlier speakers may not be repeated for each speaker.)*

Rachel Jackson (Books Not Bars Campaign)

Ms. Jackson appreciated the opportunity to speak and asked that the Board be patient and allow the groups to speak “our way” as things had been done “your way” long enough. She said the occasion was both sad and a time of mourning, but also a celebration of the coming together of young people and the beginning of the civil rights movement of the new millennium. She asked for a moment of silence to remember the young people who will sleep in cages tonight because of the shortcomings of adults. *(Following the silence, a song was performed a cappella by Omana Imani, depicting Harriet Tubman in 1815, gathering slaves for the Underground Railroad journey to freedom.)* Ms. Jackson said the speakers came from all over California: from streets dotted with altars with Teddy Bears, Remy Martin cognac bottles, and balloons taped to trees with handwritten notes saying, “We love you, Boo.” – from communities where the people are trapped between drugs and the failed war on drugs, where children have been abandoned and attacked by policies made by “people like you.” Some came also as people who were once caught up in the street life themselves, who were once caught up in drugs and despair, but who now give back to their communities. They came as youth and youth advocates, as people of faith, as human services providers, as people of California to say that Alameda County and, indeed, no county needs a bigger juvenile hall. Referring to Chairman Presley’s mention of a central point, Ms. Jackson enumerated three: 1) request the Board to withdraw the \$2.3 million expansion money from Alameda County, 2) change the criteria for rating proposals, and 3) send a message about the priorities of the state of California.

Ms. Jackson said there were several reasons to deny Alameda County’s expansion request. First, the Probation Department is corrupt and in disarray. The Board of Supervisors is sharply divided on this issue and she pointed out that the division is along the lines of race. Further, Alameda county cannot be left to make up tens of millions of dollars in matching funds with millions of dollars that it does not have. She understood the justification that replacement beds are necessary because of overcrowding, the age of the facility, and the earthquake fault. The groups agree with the re-build; they do not agree with making it bigger. Another justification is that population increase requires an increased number of beds. The groups believe this is not true because overcrowding can and has been decreased by using detention alternatives as demonstrated in other counties. Regarding the Board’s criteria, it is twisted upside down and backwards. She asked that the Board stop punishing counties that have progressive systems and stop rewarding racist, poorly managed ones. Ms. Jackson proposed a new criteria: give points for support from the community and take away points for community opposition. She urged the Board to send a message to the ESC, to the state, and to the nation: that disproportionate minority confinement is unacceptable; that Alameda County will not be rewarded for the dubious distinction of having the highest per capita incarceration of youth in the nation. She urged sending the message by giving the \$2.3 million to Santa Cruz, just recognized by Board Member Silbert, because Santa Cruz has successfully decreased disproportionate minority confinement and has increased detention alternatives.

Ms. Jackson said the young people present were the people of California and the Board is supposed to serve the people. She demanded that the Board do the right thing and withdraw the money from Alameda County and act on the issues she raised. If not – if the Board continues on its present course – she assured the Board that the groups will return with more and more people every time and every



place the Board meets. Ms. Jackson presented the Board with a brick labeled “another cell block for youth,” and said the Board would deal with the consequences if the brick is used.

Mercedes Gibson (Young Women United for Oakland)

Expansion of the juvenile hall would affect mostly people of color, and as she looked around the room, Ms. Gibson did not see many people of color other than those with whom she came. She believed expansion of the juvenile hall was just another way to oppress people of color. She noted that women have been historically oppressed and believed that the women in the audience and on the Board would know how it feels to be told “you’re going to fail, so we might as well do this for you.” More than just her belief, the fact is that juvenile crime has gone down both in and outside of juvenile hall and expansion would not help. What must be done is to improve what you already have. Too many bad things already go on inside the facility.

Ms. Gibson urged prevention as a solution and pointed to the condition of schools in Oakland as a starting place. The schools are crumbling, have no textbooks, and no clean restrooms. She believed responsibility is on the Board for granting money to build a bigger juvenile hall when what is needed is better schools, more community planning, more community programs, and more money invested in the community. Putting the money toward a juvenile hall is like saying “you’re going to fail, so we will do this for you and get you out the of way.” Ms. Gibson said it may appear that the youths present were rowdy and unorthodox, but it results from their treatment over the years and is viewed as another way to keep them down. While the decision is the Board’s, ultimately when the youths become angry as a result of being fed up, they will continue to show up until they see justice.

Juan Carlos Gil (Youth Force Coalition, San Francisco)

Mr. Gil asked why expand the juvenile hall in Alameda County instead of simply rebuilding it and creating more alternatives to incarceration. As crime has gone down both in and out of the juvenile hall, crowding inside has gone down, and arrests have gone down, where is the need to build 210 new beds in Alameda County. Putting youths in juvenile hall increases their risk of being locked up in prison later in life. Juvenile hall is a direct link to prison, not an opportunity for rehabilitation. Youths need more opportunities instead of obstacles, which are already faced due to their youth. It seems they do not have a voice; but when they come together, there is a voice. Mr. Gil also presented a brick to represent the 900 beds the Board is trying to build in California.

Fela Thomas (Youth Force Coalition)

Mr. Thomas represented the Youth Force Coalition and the Books Not Bars program run by the Ella Baker Center for Human Rights. He said the Youth Force Coalition includes more than 40 youth groups from all over the Bay Area committed to fighting the criminalization of a generation—the criminalization of the youth present in the room—that systematically, through bodies such as the Board, are locking up those youths as opposed to youths from the suburbs. He stressed the importance of listening to these speakers because they are the very ones that would be locked up. Mr. Thomas urged the Board to not give Alameda County the \$2 million to build an evil monstrosity that will cost millions more that could instead go to other programs. He referred to the crucial points made by Ms. Jackson regarding the split in the Board of Supervisors and the fact that the county does not have the money in

matching funds. The county's request for \$20 million was cut by the ESC to \$2 million, which means that the \$18 million deficit will have to come from diversion programs that could keep kids out of juvenile hall.

Mr. Thomas' final point alleged a string of corruption in Alameda County's Probation Department. The county has had five California Occupational Safety and Health Administration (OSHA) citations, one for exposing the youths in juvenile hall to asbestos; four lawsuits; three county grand juries; a state audit that found the department is understaffed and use of grant money is poorly documented and of questionable validity; and the department intentionally does not meet fire department codes in order to rationalize the rebuilding.

Perla Nolasco (Young Women United for Oakland)

On May 9 before the Board of Supervisors in Oakland, Ms. Nolasco spoke angry words that came from a broken heart and a broken soul, because of her experience in the juvenile justice system for five years. She had gone from juvenile hall to boot camp to foster care and back to the juvenile hall and then court school. None of it did anything for her. None of it gave her opportunities. None of it showed her where to go or referred her to jobs or to programs or to housing. None of it referred her to anything. She was ashamed that "people like you" represent the youth of California and that people like Sylvia Johnson, a liar, represent the youth of Alameda County. She said that she had met Ms. Johnson at the Camp Ready Boot Camp in 1996, but that Ms. Johnson did not recognize her or the other youths and instead mingled with the camp directors. Ms. Nolasco asked how that could be representative of the community when she did not recognize or talk with the community. If you build 210 more beds in the county, you will have 210 more youths – angry youths – and you won't be getting a battle; you will be getting a war.

Becca Mayberg (Let's Get Free)

Ms. Mayberg said it was important to realize that Ms. Nolasco was a real person who had been in the juvenile system. She said it was easy to sit back, make policy, and theorize about "nobodies" when neither the Board members nor those close to them would be directly affected by being put into the "juvie cells." She urged the Board to look at the youths in the room as those who *would* be directly affected. Ms. Mayberg made three brief points: 1) jails and prisons statewide are disproportionately filled with brown people; 2) while they are called criminals, they must survive the best they know how in a system that doesn't support programs to rehabilitate or teach alternatives; and 3) rather than a "sensible expansion," Ms. Mayberg called it a "self-fulfilling prophecy" and said "if you build it, they will fill it." She likewise presented a brick to the Board.

Lillian Amoechi (Visitacion Valley Middle School Changemakers, San Francisco)

Ms. Amoechi said that adults should lead youths to go farther in life and that going to jail does not lead them anywhere. Adults should be role models who care. She could not believe that Alameda County would take money from youth education in a greedy and unreasonable choice. Youths need money for books, school materials, and leadership programs to help them speak out about their beliefs. Everyone makes mistakes in life, but those mistakes should not take away education, which is the key to life.

Steve Lee (Asian Pacific Islander Youth Promoting Advocacy and Leadership, Oakland)

Mr. Lee opposed the expansion in Alameda County because the county does not currently offer any alternatives to incarceration. Youths need real options and deserve another chance with their whole lives ahead of them. They need the same opportunities as those who did not make the same mistakes. Not only is the Board of Supervisors split on the issue, but the county has been audited by the state, and the Probation Department refuses to meet with the community to explore alternatives to incarceration. Mr. Lee presented a brick to symbolize mass incarceration.

Julie Browne (Books Not Bars Campaign)

Regarding the criteria used by the Board [ESC] to determine funding, Ms. Browne said that what you find depends on what you've been looking for, and that what the Board has been looking for has nothing to do with what the community actually needs. She displayed a checklist about how Alameda County gets money from the Board of Corrections:

- Have a corrupt Probation Department.
- Lock up a disproportionate number of minorities.
- Have a divided Board of Supervisors that is conflicted, torn, and fighting among themselves.
- Have community opposition and outrage, with community leaders and organizations using their resources to chase down the Board of Corrections and say "we don't want this in our community."

Ms. Browne proposed three critical items missing from the criteria used to determine who deserves funding to improve juvenile facilities:

1. Effective Alternatives and Prevention: The Board must look beyond just the quantity of programs to how effective they are at reducing the jail population. Alameda County's rating highest on the list is unbelievable to the people of the county. The current criteria punishes counties that are doing the best. Santa Cruz County reduced its juvenile hall population by 50% and lowered the disproportionate incarceration of youths of color by 15%, and they didn't qualify.
2. Disproportionate Incarceration of Youths of Color: This factor is not even a consideration, which is known to be a fundamental practice of the criminal justice system. The population of youths of color in the California Youth Authority is 85%. If the figures were reversed, the criteria would be changed.
3. Amount of Public Input: The quality and amount of community input on the future direction of their own corrections policies must be considered. The youth groups could not even obtain a meeting with Sylvia Johnson. Los Angeles County was not aware of the opposition movement until the groups from Alameda County contacted them. Ms. Browne said the Board must evaluate community support and that laws about the people cannot be made without consulting the people who are affected.

Khadine Bennett (Wild for Human Rights, the Women's Institute for Leadership Development)

Ms. Bennett said that asking the Board to deny the expansion money to Alameda County was not asking a favor, but demanding the right to live free and safe without the threat of being carted off to an expanded juvenile hall because beds are there for them. They demand the right to be part of the decision-making processes that affect their lives directly and the lives of their families and their friends. They also demanded a high quality education reflective of their varied identities. Ms. Bennett's

campaign was for books, not bars; schools, not jails; rehabilitation, not incarceration. The groups are not voiceless and not powerless; they are youths fighting for justice, and they demand a voice in the decisions that affect their lives; i.e., their human rights.

Adam Gold (Executive Director, Youth Empowerment Center, Oakland)

Mr. Gold said the large number of youths came from Oakland to give the Board, which has some of the top corrections officials in the state, an opportunity to send a message. He asked what was the current message about young people in California; what was the message about youth of color – black, brown, and Asian. California is number one in prison spending and 41<sup>st</sup> in education spending in the nation. California leads the world in incarceration rates – as much as Russia, as much as South Africa. California locks up its people at a rate equal to anywhere in the world. What kind of message is that? In his lifetime, California has built more than 20 prisons and only one university. He proposed sending a different message and asked the Board to take a stand on the particular issue the youths had traveled very far to talk about; i.e., Alameda County's juvenile hall expansion.

The hall cannot expand. The county does not know how to run it at its current size. Mr. Gold approved of the renovation to add classrooms, single cells, wet cells, etc., but not the expansion. He asked the Board to send a message about no expansion. Instead, send a message to the counties that are keeping people out of juvenile hall that they will be given money to support that and that counties locking up people at incredible rates will be punished by not being given more money. He urged the Board to make the right decision in spite of faulty criteria, and to let the state know the Board wants to give money to counties that are doing the right thing and keeping people out of the hall, that have programs for people to stay at home or go to school.

Alameda County is already getting \$33 million to rebuild its existing hall. Mr. Gold asked the Board to give the \$2.3 million for renovation to another county that is not asking to expand and send a new message to the people of the state and the media.

Van Jones (Attorney and National Executive Director, Ella Baker Center for Human Rights)

Mr. Jones said the Ella Baker Center, with offices in Oakland, San Francisco, and New York City, is a national human rights organization concerned about human rights abuses in the U.S. criminal justice system. The organization sponsors a new campaign in California called the Books Not Bars campaign, and Rachel Jackson, who spoke earlier, is the state field director. Representatives had come to the meeting to introduce themselves to the Board, and Mr. Jones predicted his organization and the Board would get to know each other in the coming months and years as he said, "Welcome to the future." He commented that raising the money to fly all the youths down from the Bay Area because of the change in location from Sacramento was something he was both glad and proud to do to show that the Board could not outrun the future.

When Ghandi was in South Africa for 20 years of political work before returning to India, he saw grave injustices. He told a top official who was oppressing the people of color in South Africa, that he was there to stop him from committing those injustices, and that the official would help him do it. Mr. Jones said the youth groups were present at this meeting because we all need to help each other. He said the

Board was about to be tricked, hoodwinked, bamboozled, and made a fool of by a tiny, \$2.3 million proposal that will create in California a juvenile hall that would be the biggest per capita juvenile hall in the country. Alameda County did not put that across the top of their application, but when you look at the numbers, that is what they are asking. He displayed a chart demonstrating that Chicago/Cook County has five million people and a juvenile hall of 498 beds, while Alameda County has only 1.5 million people and is requesting a total of 540 beds.

Mr. Jones understood that sometimes things get going on their own momentum and it takes something like a new employee or an auditor to point out that the thing just doesn't make any sense. He suggested that a good leader would take the advice and heed the warning. He repeated that the proposal to create this "monument to myopia" to freeze bad thinking in concrete and steel, with the Board's name on it, must be rejected. Mr. Jones hoped that the Board would appreciate the passion and the commitment of these youths who were some of the best in the country and who had traveled from the other end of the state to be heard. They were asking for support and solidarity and leadership.

Nohelia Ramos (Environmental Health Coalition Youth Force, San Diego)

In addition to her organization, Ms. Ramos stated that she represented many junior high, high school, and college students working together for environmental justice in the barrios and communities of San Diego. San Diego youths are disproportionately the victims of discrimination by the same institutions that are intended to serve them; i.e., industries in the communities and the justice system. She asked the Board to promote youth empowerment and education rather than punishment, and to not allocate the \$800,000 in funding for the incarceration of San Diego's youths. She asked that the money be used in the communities for health programs, educational programs, and empowerment programs.

Enrique DeLaCruz (Y.O.C./M.E.Ch.A., San Diego)

Mr. DeLaCruz thanked the Board for the opportunity to address concerns about the proposed tragic use of \$800,000 in funds for 20 new juvenile beds in San Diego. On behalf of San Diego's high school students that could not be present, he asked the Board to think about the consequences of using those funds for more beds that could instead be used for tuition for 400 students at San Diego State University or for prevention programs. He said the youths would continue to work hard to unite in order to make their wishes known. Mr. DeLaCruz presented a brick printed "another cell block for youth," which is symbolic because a brick can be used both to break a window or to build a school.

Scott Haggerty (President, Alameda County Board of Supervisors)

Mr. Haggerty was sent by the Board of Supervisors to speak in favor of the grant funding in question, but first thanked the Board for the \$5 million that was awarded to Alameda County for mentally ill offenders (*Agenda Item F*).

As a Governor appointee of the Seismic Safety Commission, Mr. Haggerty reported that the county's 48-year-old juvenile hall facility, sitting between two faults, is extremely unsafe and needs to be replaced. The county realizes that funding for this type of facility does not become available very often, and by 2007 the county will need the beds in order to keep pace with population growth. He noted

that the county had been told twice by the Grand Jury to build a facility with 540 beds. He also noted that, on the Board's scoring sheets, Alameda County ranked at 85 in all alternative programs (of a possible 100), the highest score for any RFP.

As President of the Board of Supervisors, Mr. Haggerty said that building a juvenile facility was not something he really wanted to do. He has other important capital needs that demand attention; however, the need is there to rebuild the juvenile hall at 540 beds. He respectfully asked the Board to approve the ESC's recommendation and approve both the 330 replacement facility and the 210 additional beds for a total of 540 beds. Mr. Haggerty asked if Board members had any questions.

Mr. Yaroslavsky said he had a question but was interrupted by Ms. Jackson directing comments from the audience to Mr. Haggerty. Mr. Yaroslavsky reminded Ms. Jackson that the Board had listened very attentively to each of the youth group speakers, and that it was incumbent on them to listen to the other speakers as well. Mr. Yaroslavsky asked for clarification on the amount requested for Alameda's J2 project. Mr. McConnell said the county had requested \$21 million and the amount available is \$2.3 million. Mr. Yaroslavsky addressed the \$19 million shortfall by asking if the county had discussed where they would get the additional funds. He understood the Board of Supervisors had voted to accept the available amount of \$2.3 million and produce the remaining funds on their own, and he asked if they had a source. Mr. Haggerty said it would be a general fund commitment. He said the Board of Supervisors had held a hearing the previous Thursday at which the same youth group speakers were present, and held a special Board meeting the following Tuesday to vote on whether to accept both segments of grant funds. Both motions passed. Mr. Yaroslavsky asked if the Board appropriated the money on Tuesday. Mr. Haggerty said they did not, but they clearly have the money and a general fund commitment that will allow them to move forward with the projects. Mr. Yaroslavsky wondered when specifically they would appropriate the money; i.e., this fiscal year or next. Mr. Haggerty said the county would issue some debt. He said the county had been successful, for example, when it built the Santa Rita facility by moving the facility back from the freeway and developing homes and an entertainment center. The policy has been to use the money made off that enterprise (interest from the invested capital) to fund capital projects such as this. Mr. Yaroslavsky said, in other words, the county was issuing debt to get funds to match the \$2.3 million grant. Mr. Haggerty said if debt were actually issued, then yes; but the Board uses the interest made off the "Emerald Fund," which is the county's name for the process. To clarify the process, Susan Muranishi, Alameda County Administrator, addressed the Board. She said the project costs clearly exceed the total of \$35 million being considered. The county is prepared to issue debt to complete the balance of the project costs. What Mr. Haggerty had referenced was the Board of Supervisors' policy to set aside in an endowment the funds that have resulted from the sale of surplus properties. The interest earnings from the endowment would go toward debt service for future capital needs, of which the juvenile facility is the highest priority. Mr. Yaroslavsky asked what was the total cost of the facility, all told. Ms. Muranishi replied \$117 million.

Dr. Silbert asked what was the cost of the 330-bed facility without the expansion beds and whether the county had planned to incur debt for that portion as well. While county staff computed the cost of the facility, Ms. Muranishi answered yes to the debt question. Dr. Silbert noted the reference made to the

divided vote on the Board of Supervisors and asked how the vote had gone. Mr. Haggerty said the 330-bed proposal carried a 5-0 vote and the 210-bed expansion carried a 3-2 vote. County Director of General Services Aki Nakao said staff estimated the 330-bed facility would cost about \$100 million, and the total with the expansion is about \$150 million. Mr. Haggerty thanked the Board for the opportunity to speak.

Mr. Yaroslavsky asked, hypothetically, if the county built only the replacement project, would they have qualified for the grant. Mr. McConnell answered they would. He said the replacement project, J1, was to replace the current juvenile hall's existing 299 beds and, as part of that project, also add 31 new beds for a total of 330 beds in the single project. Phase 2 proposes to add an additional 210 new beds and is not a replacement project.

Mr. Hill asked about the status of the City of Dublin's opposition to building the hall. Mr. Haggerty said the Board of Supervisors and the City of Dublin are in discussions, and he recently met with the mayor. The city, while probably still opposed, realizes that the proposed use is acceptable for the land. The Board of Supervisors has committed to working through the process with the city and that the city will be involved in the design of the facility. Mr. Haggerty was interrupted from the audience by Mr. Jones, who said the city's supervisor had passionately voted against building the hall. Mr. Haggerty commented that the proposed site is county-owned land zoned for governmental use. Chairman Presley asked if the city's opposition was primarily a land-use issue. Ms. Jackson answered from the audience that the city was opposed mainly because it would mean having both a prison and a jail within a mile of the juvenile hall. Mr. Haggerty concurred that both Santa Rita County Jail and a federal Women's Correctional Facility are located there.

Chairman Presley resumed calling speakers from the cards they had completed.

Sylvia Johnson (Chief Probation Officer, Alameda County)

Ms. Johnson passed.

Javier Stauring (Director of Juvenile Detention Ministry, Archdiocese of Los Angeles)

Mr. Stauring represented 23 Catholic chaplains that work throughout Los Angeles, Ventura, and Santa Barbara Counties, many of whom were in the audience. When Ms. Hafey listed the letters of opposition and mentioned the one from the Archdiocese, one of the chaplains said, "That's God speaking." For himself, Mr. Stauring said it was told to him very clearly that to get into the Kingdom of God, one must be childlike. It is a shame what society is doing to its children. The Archdiocese supports replacing the existing beds and realizes that conditions in the current juvenile hall are deplorable; they do not, however, want the Board to give any money to expand the number of beds in any of the juvenile halls. He spoke specifically about Los Padrinos in Los Angeles County.

The chaplains have talked with and built relationships with thousands of youths that come through the juvenile justice system. What they see are youths that are broken, that have been abused, that have been victimized and then become victims. Two girls recently told him they had dropped out of school at ages 11 and 12 because they didn't get along with their classmates, their parents wouldn't buy the right



clothes, and they didn't fit in. Then one girl said her father had sexually abused her, her mother didn't believe her, and she ran away. When she told a teacher, her father committed suicide before he could be arrested. Mr. Stauring said it was like all the abuse she suffered didn't matter in her mind and he felt sad that she didn't realize that it was the cause of her troubles. He sees the same thing when youths go before the courts – it doesn't matter what happened; all they see is the act that they are accused of. It doesn't matter that no one came in earlier to help them out before they got to the point of committing a crime.

Mr. Stauring talked recently with Richard Shumsky, Chief Probation Officer of Los Angeles County, who said he would be willing to work toward a new vision and a new system. Mr. Stauring said society must move away from a punitive system that has not worked. Sister Theresa, of the Los Padrinos facility, had provided him the following statistics for the three juvenile halls in Los Angeles County:

Youths incarcerated	1,884
Ethnic breakdown of those incarcerated:	
Hispanic	1,040
Black	609
White	167
Other	68

Mr. Stauring said that to continue to build more beds is like a doctor saying that children have a deadly disease, so build more graves. He asked the Board to not give more money for expansion of beds.

Lester Garcia (Youth Organizing Communities, East Los Angeles)

When he first heard about these grants to build more juvenile beds, Mr. Garcia's first thought was that they would then be filled. He thought about friends in the prison system and about his high school, Roosevelt High, with its more than 5,000 students and Belmont High a few miles away exceeding 5,400 students. He wondered how the Board could approve money to expand juvenile hall facilities when high schools and middle schools, indeed the entire educational system, are going down the drain. Mr. Garcia realized that the Board is not in charge of educational funds and that the money in question is for expansion of juvenile halls only, but voting this down would send a message that the Board will not expand the prison industrial complex. He urged the Board to pressure those in charge of the educational system to allocate more funds for education, particularly Governor Davis who is supposedly the educational governor, yet is spending so much on the prison system because it is big business.

Kevin Carruth (Santa Clara County Director of General Services Agency)

Speaking on behalf of Jim Bell, Chairman of the Board of Supervisors, and Richard Whitenberg, County Executive Officer, Mr. Carruth thanked the Board for funding Santa Clara County. The money granted was largely for bed replacement and bed expansion, along with considerable alternatives developed by the Probation Department. Mr. Carruth recognized the integrity of the Board in the work it does. He said his county board had wondered whether the Board of Corrections could be lobbied politically, but Mr. Carruth advised them that this Board does not work in that manner and such action was not advised. He also said the Board's staff had developed an impressive system, naming specifically Dr. Kohls and Mr. McConnell, who had done an incredible job. He was proud to be a former member of the Board's staff.

Tommy Ramirez (Youth Organizing Communities, San Diego)

A student at UC San Diego, Mr. Ramirez said he represented the same philosophy as the groups from Oakland, Northern California, Los Angeles, and San Diego – representing the greatest priority that society has turned its back on and that it does not understand, and that is the children. Mr. Ramirez is involved with Mendoza Elementary School, Nester Elementary School, three different central elementary schools, and five junior high schools, among others. He felt obliged to represent the children as they are in failing schools and he looks them in the eye every day knowing that money is not being spent to fix the schools, but is instead given to the juvenile justice system. He suggested it might be easy for the Board to give money for expansion of juvenile halls when the children are not present. They would ask why and would need to be told that the Board believes they will commit crimes and should be thrown away; would rather spend money on cages than spend money to teach them and stop them from committing crimes. Mr. Ramirez begged the Board to stop what has been going on in California since Proposition 187 attacked the youth of California, since Propositions 21 and 209 stopped the beautiful brown children from getting into higher levels of education. Take a stand and say that you want to teach the children and not throw them away.

Francisco Trujillo (Coordinator, Southern California Criminal Justice Consortium)

More than simply the coordinator, Mr. Trujillo (with two small children) said he was present as a father also and would not let the Board put his children in prison. The vote to build more halls would not just incarcerate the youths who are here to speak for themselves, but the children who are not present and cannot yet speak for themselves, who look to adults to give them direction, love, and support. The proposed action reeks of hate, death, punishment – of contempt. Looking at the Board members and who they represent, he suggested the children of Board members are not at risk. Mr. Trujillo asked the Board to then look at him, the color of his skin, where he grew up, and where he came from – his children are at risk. He said he would fight for all the children of his community before he would allow the Board to drag them to another cage. When the children are locked up, the future is lost, and the people are killed off.

Mr. Trujillo said his organization is based in Los Angeles County and had only recently become aware of these issues. They plan to approach the Los Angeles County Board of Supervisors over their county's proposal. While the Board can go home to comfortable lives at the end of the day, Mr. Trujillo's community must stay with their reality. He repeated the request to deny funding for any expansion of any juvenile facility in any county – especially Los Angeles County.

Miriam Grant (Jewish Youth for Community Action)

Ms. Grant co-runs this program, referred to as JYCA, which works with high school age youths in the East Bay (Alameda County). She has lived in Oakland all her life and plans to stay and raise her children there. Two years ago, JYCA youth began to learn about youth criminalization to understand why it occurred, and that led to their relationship with the Youth Force Coalition. Together they worked against Proposition 21, and today are a powerful youth commitment force.

Ms. Grant said she fully understood and agreed with the wisdom of replacing Alameda County's

existing 48-year-old hall, which sits on an earthquake fault. JYCA is very concerned, however, about the expansion of the juvenile hall, and said it was not time to build more beds to trap young people in juvenile halls. She was perplexed by Sylvia Johnson's refusal to stand and talk about the county's proposal. After her colleagues had spoken and were questioned, Ms. Johnson chose to remain seated in silence rather than defend the expansion.

Ms. Grant acknowledged that she did not know anything about the Board members personally or where they might be coming from, but that she, herself, takes her job home with her every night. The young people are always on her mind as she tries to figure out how to get them the resources they need. She said if the Board members do their jobs because they really believe they can make a difference, she implored them to make a positive difference and not fund the expansion of Alameda County's juvenile hall. She shared the following quote from Deuteronomy: "If there is a needy person among you, do not harden your heart and shut your hand against them. Rather, you must open your hand and lend them sufficient for whatever they need." Ms. Grant said the youths present were making it easy for the Board by telling them what youths need, and she invited the Board to meet with the groups and not harden their collective heart or hand. She referred to a body of text in Judaism that asks a question and gives an answer that she believed relevant: "Who is worthy of honor? The one who treats other human beings with honor." How can the Board choose any other path than that of honor when dealing with young people in Alameda County and young people all over the state of California.

Verne Speirs (Chief Probation Officer of Sacramento County)

Mr. Speirs thanked the Board for making time on the agenda for comments on the local juvenile detention facility construction grant award process. After review of the current funding recommendations made by the ESC, Mr. Speirs offered these observations.

First, as described in the RFP, a cost-effective rating was applied to each proposed project, which established a correlation between the present age of the facility and the projected life expectancy of the facility. The rating applied to Sacramento County's 60-bed proposal does not give recognition to counties that, by policy, have committed to maintain, repair, and regularly invest in their facilities year after year. Sacramento's decision to preserve its facilities was made for the express purpose of extending the useful life of its existing facilities in the "out" years. Its facilities have been subject to numerous, rigorous, and independent lifecycle evaluations. Conclusions from separate consultants, consulting engineers, and architects, as well as in-house architects and design staff, are that Sacramento's existing facilities have a lifecycle of an additional 30-plus years. Sacramento's grant proposal stated that its expanded facility would be operated for 30 years. However, as the cost-effective rating was applied, the lifecycle of the facility was established to be only 10 years. Thus, the point score was reduced. The application of this standard formula places counties that by policy have committed to maintaining their facilities, at a distinct disadvantage and greatly diminishes their competitiveness to secure funding for the expansion of well-preserved existing facilities. Expansion of existing facilities is an announced purpose for the grant money distributed in this funding cycle.

Second, based upon the chronic crowding of Sacramento's juvenile hall, the Sacramento Probation Department submitted a Suitability Plan to the Board on January 12, 2000. The lack of commitment

bed space in the county has created an unmanageable backlog of juveniles delayed and detained by the court and awaiting placement in the commitment facility. The county's proposal to add 60 beds to the Warren E. Thornton Youth Center represents the first major Sacramento County construction project called for under the Suitability Plan. This critical component of the Suitability Plan was clearly pointed out in the county's proposal and emphasized in testimony before the ESC on April 5, 2001. However, on the county's review of the need-for-project evaluation category used for existing funding rankings, there does not appear to be a strong emphasis on proposals directly addressing suitability plan construction projects. Mr. Speirs believed 26 counties have submitted suitability plans to the Board and that there is ample justification for the Board to consider for priority funding those counties that have maintained their facilities, have met any other Board requirements, or are making good-faith efforts to implement their suitability plans.

To improve the rating process and to avoid inequities from occurring in future funding cycles, Mr. Speirs requested the Board to review the cost-effective rating formula and its application to ensure that qualified facilities are not downgraded nor arbitrarily eliminated from future funding consideration. He also requested that the need-for-project evaluation category in future funding cycles give the highest priority to counties that have submitted suitability plans calling for construction and are in danger of having facilities declared unsuitable for housing without that construction. In closing, Mr. Speirs acknowledged that the Board had a very difficult task, particularly with insufficient resources for the needs of prevention, intervention, and for corrections facilities. He thanked the Board for its oversight of the process; and especially thanked Mr. McConnell and the Board's staff for their management of the process and successfully seeing it through to conclusion.

Mr. Harper asked whether Mr. Speirs wanted the Board to reconsider the formula in the current process or that it be reconsidered in the future. Mr. Speirs recommended it be looked at in the future regarding the way it was applied. Dr. Silbert asked whether Sacramento County would choose to remain in their spot on the proposed list for consideration of any money that might be reverted. Mr. Speirs replied absolutely and in fact recommended that the ranking or rating list remain as published until such time as all the counties have come under contract and the funds have been exhausted in this funding cycle.

Mr. Jones asked if he could clarify an answer to a question that Dr. Silbert had asked earlier related to the division in the community over Alameda County's proposed expansion of its juvenile hall. He said earlier this week, the county's Board of Supervisors had a very emotional and passionate hearing at which three members voted in favor of the proposal, which passed. Two of those three were so torn and conflicted, however, that they were in tears after the vote. Mr. Jones said that neither he nor Mr. Haggerty knew whether they could hold onto those two votes, which are needed for the bond measure to pass. Mr. Jones said the youth groups were gearing up for a major mobilization against the Board of Supervisors regarding the bond measure.

Mr. Yaroslavsky asked how many points were allocated to the category related to the dilapidated state of facilities. Ms. Hafey replied that in terms of the cost-effectiveness rating, 150 points were allocated. Board staff examined the next lower-ranked proposals, which included that of Sacramento County, to

determine whether, if the maximum number of points were allocated in that area, the ranking would have changed. Ms. Hafey stated the ranking would not have changed in favor of Sacramento. Mr. Yaroslavsky asked if the 150 points were out of the total possible 1,050 points. Ms. Hafey said that was correct. Mr. Yaroslavsky said that to consider cost-effectiveness, which is a common sense approach, care must be taken to not over-weight the category and skew the results. In other words, it was “damned if you do and damned if you don’t.” Statistically, this may be the niche it was appropriately set for. It’s easy to pick and choose, but looking at the whole process provides a broader picture.

Mr. Yaroslavsky took the opportunity to say that, as he sat with Board Member Hill as a first-time co-chair of the ESC, he was extremely impressed by not only the quality and integrity of the staff work throughout the process, but impressed by the technical capabilities as well, and as a result he has utmost confidence in their work.

Chairman Presley took a moment as well to thank all the speakers who came and exercised their right to appear. He said the youth groups were very articulate and were to be commended.

Dr. Silbert asked whether it was possible procedurally to separate out Alameda County’s second proposal from the rank-ordered list. In response to clapping from the youth groups, Dr. Silbert reminded them that this was not a vote and that there are rules of self-destruction. Dr. Silbert realized that, obviously, Alameda County had intentionally submitted two proposals, and she wondered if their second proposal could be separated from the ESC’s recommended rank-ordered list and considered separately along with Sacramento County’s proposal, and whether the Board could then still vote on the list, minus Alameda County’s second proposal. Mr. McConnell said that the Board is the grant-making authority, that it had appointed an ESC to review county RFPs and make recommendations for grant awards to the Board, and the Board had now reviewed those recommendations and taken public comment. It was now at the discretion of the Board to accept the ESC recommendations or modify those recommendations.

Dr. Silbert said she would favor a motion that the Board modify the recommendations. Mr. McConnell requested clarification on the motion that Dr. Silbert was suggesting: was it to move to accept the ESC’s recommendations on the rank-ordered list, except that item 2, the 2001-J2 project with \$2.3 million for Alameda County, would be held for consideration in a separate motion? Mr. McConnell was uncertain as to her intent in regard to Sacramento County, pointing out that Sacramento County’s proposal was already next on the rank-ordered list. Chairman Presley asked Dr. Silbert to summarize the suggested motion. Dr. Silbert suggested a motion to consider the ESC’s funding recommendations on the rank-ordered list separately from item J2.

Chairman Presley invited the ESC chair and co-chair, Board Members Hill and Yaroslavsky, to formulate the motion on the specific items.

A motion to approve the ESC’s funding recommendations for federal and state construction grant awards of \$129,441,416 to the counties listed below, with the

removal of Alameda's 2001-J2 proposal, was made by Mr. Hill and seconded by Mr. Yaroslavsky. The motion carried.

COUNTY	PROPOSAL ID	RECOMMENDED GRANT AWARD	NUMBER OF BEDS ADDED	FEDERAL OR STATE FUNDS
Alameda	2001-J1	\$33,165,000	330	Federal
El Dorado	2001-J1	\$4,020,000	40	Federal
Los Angeles	2001-J1	\$24,120,000	240	State
Merced	2001-J1	\$6,030,000	60	State
Napa	2001-J1	\$5,378,888	60	Federal \$5,200,866 State \$178,022
San Bernardino	2001-J1	\$19,329,640	200	State
San Diego	2001-J1	\$800,000	20	State
Santa Clara	2001-J1	\$21,092,269	210	State
Sonoma	2001-J1	\$8,000,000	140	Federal
Yolo	2001-J1	\$7,505,619	90	Federal

Mr. Yaroslavsky asked if there were deadlines by which all of the money must be spent before it reverts. Ms. Hafey said deadlines are 2004 and 2005, due to federal and state requirements. Mr. Yaroslavsky said it appeared the Board had the following options regarding the remaining \$2.3 million: 1) approve the project as originally recommended by the ESC, 2) skip over Project J2 and award the funds to the next rank-ordered county, or 3) postpone a decision pending resolution at the county level (in Alameda County). Mr. McConnell said any of those options were available to the Board. However, regarding the last option, at this point the county, as an official entity, has declared they are prepared, and the Board would need to provide a clear description of what would be additionally required of the county to satisfy the Board.

Mr. Lehman, commenting on the reversion funds, said that next year's budget does not look good regarding additional state dollars. For those who spoke regarding prevention, he noted that the Governor and Assemblyman Cardenas have put more funds into prevention this year than into construction. In terms of how any reversion dollars are spent, Mr. Lehman suggested that they should be allocated with the understanding that only federal dollars would be forthcoming next year. Ms. Hafey said that was correct, and the estimate included in the Governor's May revision was for \$40 million in federal funding with no state general fund moneys included for next year. Those additional federal dollars would provide funding through 2006.

Mr. Lehman suggested that if the Board were to delay a decision on J2, staff would be asked to do an analysis of what might be available in the future for deferred maintenance and serious delapidation; i.e., whether there was a chance for any kind of federal funding for those specific issues. He believed there may be some additional federal dollars through a possible Senate bill. Ms. Hafey added that the federal dollars are unfortunately designated for add-bed projects only. Mr. Lehman said he had referred to a possible new federal initiative. Should the Board's decision be delayed, he suggested that only the federal dollars reverted from the present pool of funds go into add-bed projects and that any reverted state dollars go to funding deferred maintenance and serious delapidation projects of the highest priority.

He believed there was merit in the comments made by Santa Cruz County's Chief Probation Officer John Rhoads in regard to those types of projects. Chairman Presley asked whether Mr. Lehman cared to make a motion. Mr. Lehman said no, it was a point of consideration and that if the Board defers Alameda's Project J2, thought should be given to the issue of serious delapidation.

From the podium, Ms. Muranishi offered to clarify the matter of debt issuance. She said it was not Alameda County's intent to go forward with voter-approved debt or to issue general obligation bonds, but to issue certificates of participation, which would become a general fund obligation. Mr. Yaroslavsky thanked her as he had intended to ask that.

Mr. Speirs asked to address Mr. Lehman's comments, which he believed essentially summarized the public policy position taken by Sacramento County. What has caused a problem is that the money is targeted for seriously dilapidated facilities that have not been maintained. There are jurisdictions that, by public policy, have decided to invest heavy money to keep their facilities in fine repair to get a 30-year lifecycle extension on those facilities. To exclude those jurisdictions by giving money to the ones that have not invested in their facilities is not a fair and equitable position. Mr. Lehman said his point was that the only additional funds coming along were federal dollars for add-bed projects and he suggested the Board consider redistribution of any reverted state dollars to counties suffering from serious delapidation because they would not be able to compete for the federal dollars. Mr. Speirs referred to Sacramento's position on the list (right on the cusp) and that, even though the numbers didn't change the ranking, if the whole need on suitability construction points and the need on the 30-year lifecycle were considered, the ranking may, indeed, have changed. He repeated that counties should not be penalized for spending their taxpayers' dollars to maintain facilities in excellent repair. That very action should allow those counties to use grant funds to actually just add beds.

Dr. Silbert asked, IF the \$2,325,069 was denied Alameda County, would Sacramento County be able to work with that amount, which is less than the total it had requested. Mr. Speirs replied his county had requested \$4,624,201; but if \$2.3 million were offered, Sacramento County would accept that amount and was ready to proceed.

Mr. Yaroslavsky asked what was the total cost of Sacramento's project. Mr. Speirs said the total project cost, including county match, is about \$5.7 million.

Mr. Hill, as chair of the ESC, asked Board staff whether it was appropriate to return Alameda's J2 project to the ESC for review and report back to the Board at the July meeting. Mr. McConnell said that was an action that could be considered by the Board.

A motion to return Alameda County's J2 project to the ESC for review and subsequent report back to the Board was made by Mr. Hill.

Mr. Moorehead commented that, having chaired a similar ESC, he understood the point system and how difficult it would be for the ESC to change the decisions made using that point system. To send J2 back to the ESC to review the point schedules would be problematic, as it would not be possible or fair



to go back and look at only one proposal. Mr. Moorehead said that, after the presentations heard today, he would prefer to not give such a large sum of money to one county for two projects, when others do not have even one.

Sylvia Johnson, Alameda County Chief Probation Officer, asked to address the Board at this time. She offered to clarify a couple of points: 1) she didn't want the Board to have the perception that there had not been significant effort and tax-dollar investment in the long-term maintenance of the Alameda County facility, and 2) many facilities throughout California are aged and have also had that kind of investment. It is unfortunate that the state has been so slow in the construction of juvenile facilities as compared with the prison-building program. This has been a major issue. She asked that, if the Board redirects dollars, they carefully review and provide consideration to all counties that have rehabilitation projects and develop a fair process. This is one facility in Alameda County, whereas some counties seeking funds already have more than one facility. There should be a factual, informed basis for the decision making because this proposal did not address the need for two facilities – it was one facility for a very large county.

Mr. Blanas commended Mr. Speirs and said that Sacramento County was trying to avoid moving juveniles to an isolated area of the county jail system because of some of the problems in the county. Ms. Johnson noted that that situation faces all counties as a result of Proposition 21, which requires that juvenile facilities house very serious offenders and, because of that, there is the issue of jails. The state must look at the condition of children no matter where they are. She asked that the Board look at a fair review and, although one county talked about delapidation, it exists throughout the state at all county-level facilities.

Mr. Yaroslavsky said he agreed that fairness was an issue. During the ESC process, he noted that several counties made multiple proposals (Orange, Alameda, and others) and he asked each which was their top priority. He said there were many worthy projects that fell below the line and the process was painful for the ESC members. As an ESC member, he would have preferred, however, to have each county pick its most important project and to go with that one, rather than to have one county receive a disproportion share of what's available statewide. The problem does not speak to the worthiness or lack of worthiness of Alameda's project(s) versus that of Sacramento – it's more a matter of equity. Mr. Moorehead commented that was the good part about the ESC process that brings the final decision before the Board, which can then make reasonable determinations. Mr. Yaroslavsky agreed; without the full process, the ESC could make the decision without benefit of the full Board.

Dr. Silbert asked if the Board were ready for a motion. Chairman Presley deferred to Mr. Hill as chair of the ESC for formulation of a motion.

Ms. Hafey volunteered a point of clarification. Of the 26 counties that applied for construction grants, 9 of the 10 just approved are or have been on suitability monitoring during the past year by the Board. There was a direct focus on that issue as it relates to the rank-ordered list. In the criteria for need, there was a focus on the crowding issue as well as a variety of safety and security issues. While the word "suitability" wasn't specifically used in the description, all the attributes of suitability were reviewed as

they related to that criterion.

Mr. McConnell suggested that, while the Board deliberated on the direction to take, they must keep in mind that this is the culmination of a 10-month process, including initial funding criteria established by the Legislature, the Board's adoption of a general approach, appointment of an ESC, meeting of the ESC to solicit input, the establishment of the method to rate applications and select the best projects, the submittal of recommendations by the ESC to the Board, and finally the Board hearing and taking action on those recommendations today. He cautioned the Board that to move the process back to the ESC for further deliberation would require the entire package be sent, not just the two pieces in contention. The intent of this process is to allow for adjustments when necessary. At this point, however, it is the Board's role to make adjustments if necessary. Further deliberation by the ESC would, in all fairness, require the reconsideration of the entire package. Mr. McConnell counseled that it could result in an elongated process that may cause some to question the fairness of the process and that would not be in the Board's best interest.

Mr. Yaroslavsky asked whether the Board, short of changing the criteria, had the discretion, based on sound rationale to, say, skip number 7 and go to number 8, for example. Mr. McConnell stated that any action for cause is within the authority of the Board as the granting authority; however, he would recommend that, if the Board awards or changes the ESC recommendation, it state the rationale. Mr. Yaroslavsky asked what, in Mr. McConnell's experience, would be considered good cause to modify an ESC recommendation. Mr. McConnell said the present situation had not happened before; however, the proposed action was within the Board's authority to act if the Board members felt that the new information they received today is cause to change or modify the ESC's recommendations. He again cautioned that, in his opinion, it would not be in the Board's best interest to ask the ESC to reassess the RFPs, after due deliberation and affording the Board their best judgments, to try and adjust those decisions unless the new process was done for all proposals with new criteria. Mr. Yaroslavsky agreed.

Dr. Silbert said that before taking any action to return the proposals to the ESC, she would urge the Board to reject or accept Alameda's J2 project. Then, with that decision, if J2 project is rejected, the money naturally should go to the next county on the rank-ordered list. She considered the situation broadly to have precedent. She proposed moving on the vote to either reject or accept the J2 project.

Ms. Duffy expressed concern that, as mentioned by Mr. McConnell, this has been a very lengthy process with a lot of input into what the rules and regulations would be in terms of how the Board approaches the issue. She was not in favor and would not vote to change the rules in the middle of the game. Regarding Dr. Silbert's suggestion to vote on J2 and see whether it goes up or down, that is fine. As the Board has done in the past, it can choose to move down the list, and that is fine. If J2 is voted down, then some money would be available. If the Board does not follow precedent by going down the line, then she would insist that the Board go through the entire process again with new criteria for all the counties to address those issues, and that would mean the entire rating process, so that everyone applying for the \$2.3 million would have the chance to compete fairly for it. If the Board proceeds at this time with the conclusion of the grant awards, she believed the Board should vote up or down on J2,

which was the recommendation of the ESC. If voted down, then the question is whether to stay with tradition and go to the next county on the list, which is Sacramento County. If that is not the will of the Board, then her position would be to reopen the entire process.

Mr. Lehman had a question regarding the layout of the rank-ordered list. If federal funds could be used for add-bed projects, was the line on the chart for cumulative rank totals drawn because the funds were gone or because those counties did not qualify. Ms. Hafey said the line was drawn specifically because of the funding. Mr. Lehman asked if Sacramento and all the other add-bed projects would qualify for the new round of federal funds coming up next year. Ms. Hafey said they would. Mr. Moorehead offered that they already had qualified. The line was drawn because the money was gone. Had there been more money, Sacramento would have received a share, as it is an add-bed project.

Mr. Yaroslavsky proposed to Mr. Hill the following wording for a motion: reject the J2 project from Alameda County, and go to the next county, which is Sacramento. His rationale was twofold: 1) for the purposes of equity he articulated earlier, and 2) the remaining funds made available would make up a bigger percentage of the total cost of Sacramento's project than Alameda's project. It would be a better leverage of the dollars and is good public policy to invest limited state dollars in as many different counties as possible. Mr. Hill deferred to Mr. Yaroslavsky.

A motion to reject Alameda County's J2 project and approve in its stead Sacramento County's project for the same amount of funds, \$2,325,069, to achieve better leverage of the use of dollars and for purposes of equity, was made by Mr. Yaroslavsky and seconded by Mr. Moorehead.

Ms. Johnson remarked that Alameda County was very appreciative of the Board's recognition of their need for the dollars for their facility. However, if the leveraging of dollars is a criteria, she asked that it be included in future proposals because the county did not understand that to be an issue if, in fact, the local jurisdiction had a funding plan. Of course, construction costs vary from county to county depending on land value. She asked the Board to revisit the criteria because the counties that applied recognized that issue. Further, the counties were given two sets of expectations: one for federal money and one for state money. The only reason Alameda's grant applications were split is that they thought they were meeting the criteria of each. One project was strictly to add beds, and the other was different. Ms. Johnson stated that she felt Alameda had followed the Board's rules.

Mr. Yaroslavsky asked whether Ms. Johnson believed the Board had the discretion to make the decision proposed in the motion. Ms. Johnson said she had come to hear the vote and the final decision, and that she was not the one to answer that. Mr. Yaroslavsky said he would think she would agree the Board has the discretion as explained by the Board's staff. He wanted it clear for the record that if the Board did not take this action, the ESC would be the final voice when, in fact, the Board is the final grant awarding authority. Ms. Johnson said she was simply appealing to the Board to give clear guidelines in the next funding round. Her primary point was that the same consideration should be given to children as that given to the adult prison construction program. If that were done, the counties would not need to fight over small grant allocations.

Dr. Silbert pointed out on Alameda County's behalf that they had received \$5 million recently and worked hard on alternatives.

Chairman Presley asked for clarification before the vote. He asked the ESC chair and co-chair what had changed after going through the whole ESC and public hearing process. Mr. Yaroslavsky said his mind had not changed, but he could not speak for the other 10 or 12 people on the committee. He did not approve of any of the counties having multiple proposals.

Ms. Duffy commented that the Board should keep in mind that no county was precluded from submitting multiple proposals for consideration. Therefore, she did not agree that the rules should be changed in the middle of the game. While she understood Mr. Yaroslavsky's viewpoint, she did not agree and said that no county should be prohibited from following the rules and submitting more than one application. In this case, after a rigorous process, J2 wound up number 11 on the list by the work of the ESC. For Ms. Duffy to be dissuaded from that, she would want to see all of the other proposals and to have read them. Having served on other state committees, members were expected to read and review every single proposal themselves. She felt at a disadvantage to know whether Sacramento's proposal was more worthy of being funded. Looking at the scores that were allocated, Alameda's J2 came in at 743 and Sacramento's at 720. The proposal directly above Alameda J2 was higher by approximately 20 points. She did not see any clear break in the point process, which did not help her in terms of what was in the minds of the ESC members. She reiterated that the Board should adhere to the rules of the game for all of the counties participating. She noted her county (Stanislaus) was on the list of unfunded counties as well.

Dr. Silbert asked why the motion couldn't be simply to reject or deny Alameda's J2 project. Mr. McConnell stated that if the Board simply rejects Alameda's J2 and leaves the process alone, the other counties are not jeopardized. Dr. Silbert asked if J2 were rejected, would the available funds that rejection created go automatically to the next rank-ordered proposal. Mr. McConnell said that is what would happen if the motion were simply to withdraw Alameda's J2. Mr. Yaroslavsky said he had not been clear on that point and would therefore withdraw from the motion on the floor the addition of Sacramento's project, and his rationale as well.

Chairman Presley again asked what had changed. Mr. Yaroslavsky said there was testimony from the various counties on the RFP, and there were informal discussions with some of the same people that were present at both that meeting and this one. There had not, however, been a formal public hearing such as the testimony heard at this meeting. Mr. McConnell had informed the youth groups here today that this was the appropriate forum for their testimony, rather than during the ESC evaluation of the RFPs. He said that as the Board makes their decision, they will consider the recommendations of the ESC, any supplemental information provided during testimony, and the counsel of other members. The process is set up for this to be where public testimony will occur and we are obliged to consider that testimony. In other words, if the Board was not compelled by the testimony heard in this room today, they should not change the ESC's recommendations. If they were compelled, then they have the opportunity to make a change.

Chairman Presley asked for a roll call vote on the motion on the floor, modified as follows:

A motion to reject Alameda County's J2 project was made by Mr. Yaroslavsky and seconded by Mr. Moorehead. The Executive Assistant called the roll:

Zev Yaroslavsky	Aye
Mimi Silbert	Aye
Jerry Harper	Aye
Curtis Hill	Aye
Donald Sheetz	Aye
Robert Presley	Pass
Linda Duffy	Nay
Taylor Moorehead	Aye
Lou Blanas	Aye
David Lehman	Aye

The motion carried, with ten Aye votes, one Nay, and one Pass.

A motion to fund Sacramento County's project, ranked #12, for the amount of money remaining (\$2,325,069) was made by Ms. Duffy and seconded by Mr. Hill.

Mr. McConnell suggested the Board did not need this motion to fund Sacramento County as the initial motion meant that the Board would automatically use the rank-ordered list. Ms. Duffy, however, preferred it be made clear where the funds were going.

Chairman Presley asked for the vote on the motion on the floor.

The motion carried.

Ms. Hafey said that staff also requested adoption of the following two recommendations:

- 1) Funding is contingent upon each of the listed projects meeting Board-approved project scope, state and federal precontractual requirements, county proposed and Board accepted project timetable including construction start and end date, and meeting all state and federal contract conditions; and
- 2) Advise Alameda, El Dorado, Napa, Sonoma, and Yolo Counties (federally funded projects) that, per federal funding conditions, they cannot advertise for construction bids, accept bids, or start construction until federal officials approve the county's environmental documents prepared pursuant to federal National Environmental Policy Act (NEPA) requirements.

A motion to approve staff's recommendations was made by Mr. Blanas and seconded by Mr. Moorehead. The motion carried.

Ms. Jackson said the youth groups truly appreciated the opportunity to address the Board. She

appreciated the fact that there is public comment and that the comment was actually considered. In many cases, public comment is not considered. She thanked the Board for carefully considering the circumstances in Alameda County and the details omitted from the original proposal. However, in solidarity with other youths in the state, she hoped the Board would consider other expansion grant proposals as well, and give the people in those counties the opportunity to address the Board, as similar opposition is present in other places.

Dr. Silbert recommended that the groups address the legislative body that passed the law, through which the Board simply moves the funds. That law specifies added beds. She said the legislators were their legislators up and down the state. She wished the legislators would hear the Board to the extent that the youths believed they did, but she predicted they would hear the youth groups. Ms. Jackson replied she would like to talk more with Dr. Silbert about that issue.

## **ADJOURNMENT**

Chairman Presley adjourned the meeting at 1:00 p.m.

Respectfully submitted,

Marilyn Coombs  
Executive Assistant

## **BOARD MEMBERS**

Robert Presley, Chair/Secretary, Youth and Adult Correctional Agency  
Jerry L. Harper, Director, Department of the Youth Authority  
Lou Blanas, Sheriff, Sacramento County Sheriff's Department  
Linda L. Duffy, Chief Probation Officer, Stanislaus County  
Curtis J. Hill, Sheriff, San Benito County Sheriff's Department  
David L. Lehman, Chief Probation Officer, Humboldt County  
Taylor K. Moorehead, Chief of Custody Operations, Los Angeles County Sheriff's Department  
Donald R. Sheetz, President, Street Asset Management  
Mimi H. Silbert, Ph.D., Executive Director, Delancey Street Foundation  
Zev Yaroslavsky, County Supervisor, Los Angeles County Board of Supervisors

## **BOARD STAFF**

Thomas E. McConnell, Executive Director  
Marilyn Coombs, Executive Assistant  
Bill Crout, Deputy Director, FSOD  
Darryl Datwyler, Field Representative, FSOD  
Toni Hafey, Deputy Director, CPPD  
John Kohls, Ph.D., Research Director  
Fred Morawcznski, Field Representative, CPPD  
Jim Sida, Deputy Director, STC  
Bob Takeshta, Field Representative, FSOD  
Ken Ventura, Field Representative, FSOD

## **GUESTS**

Jim Babcock, Sacramento County Sheriff's Department  
Steve Bautista, Contra Costa County Probation Department  
Susan Bellonzi, Orange County Sheriff's Department  
Trish Beck, El Dorado City Counsel  
Mark Blaser, Youth and Adult Correctional Agency  
Kay Bennett, Wild for Human Rights  
Holly Benton, San Bernardino County Probation Department  
Michael Brooks, Oceanside Police Department  
Jim Brown, Merced County Administration  
Richard Cardoza, San Bernardino County Probation Department  
Kevin Carruth, Santa Clara County General Services  
Pam Choquette, Yolo County Sheriff's Department  
Mike Chrysler, Sonoma County Administrative Office  
Ann Clarke, Santa Clara County Probation Department  
Phil Cooper, San Diego Police Department  
Alan Crogan, San Diego County Probation Department  
Bruce Davidson, Merced County Probation Department  
Joe Davis, Orange County Sheriff's Department  
Kirk Dayton, San Bernardino County Probation Department  
Dolores Delgado, San Joaquin County Sheriff's Department  
Steve DeRoss, Sacramento County Probation Department



Bill Diyorio, Riverside County Sheriff's Department  
S. T. Doherty, Archdiocese of Los Angeles/Detention Ministry  
Bob Dotts, Riverside County Sheriff's Department  
Bob Doyle, Marin County Sheriff's Department  
Baxter Dunn, San Joaquin County Sheriff's Department  
Dave Estrada, Los Angeles County Probation Department  
Dennis Finnegan, Marin County Sheriff's Department  
Alan Flanary, Riverside County Sheriff's Department  
Liz Foster, San Diego County Sheriff's Department  
Michael T. Gulyas, San Diego Police Department  
Vince Griffiths, Merced County Department of Public Works  
Cora Guy, Sonoma County Probation Department  
Anna Guzman, San Diego County Probation Department  
Scott Haggerty, Alameda County Board of Supervisors  
Thelma Harris, Los Angeles County Probation Department  
Wyatt Hart, Youthful Offender Parole Board  
Rocky Hewitt, Orange County Sheriff's Department  
Bill Horn, San Diego Board of Supervisors  
Denise Huffhines, San Diego County Probation Department  
Norm Hurst, San Bernardino County Sheriff's Department  
Sylvia Johnson, Alameda County Probation Department  
Francesca Jones, Los Angeles County Probation Department  
Robert Kambak, Sonoma County Architect  
Connie Kent, San Diego County  
Ken Kipp, Ventura County Sheriff's Department  
Jerry Krans, Orange County Sheriff's Department (retired)  
Kevin Lacy, San Bernardino County Sheriff's Department  
Tom Lopy, Yolo County Sheriff's Department  
Melton Losoya, Yolo County Probation Department  
Cindy Lyon, Trauma Intervention Program  
Robert Lyons, UC San Diego Police Department  
Jean Mariani, San Francisco County Sheriff's Department  
Jim Marmack, San Diego County Sheriff's Department  
Wayne Maxey, San Diego District Attorney's Office  
Don McFadden, Sacramento County Probation Department  
Tim McSorley, El Dorado County Facility Management  
Reuben Meeks, Sacramento County Sheriff's Department  
Ernie Mendoza, Imperial County Sheriff's Department  
Polly Merickel, San Diego County Probation Department  
Franz Moosbauer, Merced County Probation Department  
Cheryl Munyon, TRG Consulting, Inc., Indian Wells  
Harry Munyon, TRG Consulting, Inc., Indian Wells  
Susan Muranishi, Alameda County Administrator  
Tony Nares, San Diego County Sheriff's Department  
Margaret Oberon, Archdiocese of Los Angeles/Detention Ministry  
Doug O'Dell, UC San Diego Police Department  
Chuck Oraftik, HOK Architects  
Tony Perry, Los Angeles Times

Jane Peterson, San Diego County Probation Department  
Lynne Pierce, San Diego County Sheriff's Department  
George Post, San Bernardino County Probation Department  
Claude Potts, San Bernardino County Probation Department  
Glenn Powell, Sacramento County Sheriff's Department  
Steve Reader, Placer County Sheriff's Department  
Jim Rowland, Napa County Probation Department  
Keith Royal, Nevada County Sheriff's Department  
Tim Ryan, Santa Clara County Department of Correction  
William Santarsiero, San Diego Police Department  
Tom Sawyer, The Facility Group  
Janne Shirley, Archdiocese of Los Angeles/Detention Ministry  
Mary C. Shook, Sacramento County Probation Department  
Joseph A. Smith, Santa Barbara County Sheriff's Department  
Roger Speed, San Joaquin County Health Care  
Verne Speirs, Sacramento County Probation Department  
Patrick Stalnaker, San Diego County Probation Department  
Javier Stauring, Archdiocese of Los Angeles/Detention Ministry  
Gary Steele, Sacramento County Probation Department  
Patrick Turturic, San Benito County Sheriff's Department  
Sara Vickers, San Diego County Probation Department  
Steve Walsh, Alameda County Administrative Office  
Joy Walton, Alameda County Administrative Office  
Joe Warchol, El Dorado County Probation Department  
Nancy Watt, Napa County Administrative Office  
Kerry Wells, San Diego District Attorney's Office  
Charles Wessler, Archdiocese of Los Angeles/Detention Ministry  
Bill Willard, Imperial County Sheriff's Department  
Jacque Young, San Diego District Attorney's Office  
Tracy Zuber, Orange County Sheriff's Department